

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6613
BILL NUMBER: HB 1253

NOTE PREPARED: Dec 15, 2005
BILL AMENDED:

SUBJECT: Littering.

FIRST AUTHOR: Rep. Goodin
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
X **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes littering a Class A misdemeanor instead of a Class B infraction if refuse is placed or left in, on, or within 100 feet of a body of water that is under the jurisdiction of the: (1) Department of Natural Resources; or (2) United States Army Corps of Engineers.

Effective Date: July 1, 2006.

Explanation of State Expenditures:

Explanation of State Revenues: To the extent that this bill makes changes to the criminal penalty for littering near bodies of water under the jurisdiction of the Department of Natural Resources or the U.S. Army Corps of Engineers, but leaves the penalty unchanged for littering near other bodies of water, the bill potentially increases revenue to the Common School Fund, but could reduce revenue that is deposited in the state General Fund. The fines from misdemeanors are deposited in the Common School Fund, while infraction judgements are deposited in the state General Fund.

Currently, the maximum judgment for a Class B infraction is \$1,000, which is deposited into the state General Fund, while the maximum fine for a Class A misdemeanor is \$5,000, which is deposited into the Common School Fund.

Besides the issuance of fines, the sentencing court may assess a court fee if a guilty verdict is entered. The court fee for an infraction is \$70, while the court fee for a misdemeanor is \$120. The state receives 70% of the court fee that is assessed when a guilty verdict is entered and the fee is collected in a court of record and 55% if a

case is filed in a city or town court.

Explanation of Local Expenditures: Local expenditures could increase if offenders are incarcerated in local jails instead of being only fined. A Class A misdemeanor is punishable by up to one year in jail. The average daily cost of housing an offender in jail is reported to be \$44. There is no term of imprisonment for an infraction.

Explanation of Local Revenues: Local governments could receive additional revenues from any court fees that are collected for cases that were infractions and are now misdemeanors. Twenty-seven percent of court fees that are collected are deposited in the county general fund when a guilty verdict is entered for a misdemeanor. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. From city and town courts, the county general fund receives 20% of the court fee while the city or town general fund receives 25%.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association.

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